

## REMARKS

Applicants respectfully submit this amendment and response and the concurrently filed Request for Continued Examiner in this application. The amendment and response is submitted in view of the Final Rejection of July 22, 2005 and the Advisory Action of November 18, 2005.

In the Advisory Action, the Examiner noted that the current claim language did not specify that the connection procedure is delayed. Further, in an Examiner's interview on October 22, 2005, the Examiner indicated that he would reconsider the rejection if the claims specifically recited that the connection procedure was delayed during the ignoring step. Accordingly, independent Claims 1, 8 and 15 have been amended herewith to recite that the connection process is delayed during the ignoring step, i.e., during the predetermined period.

Applicants submit that Luddy does not teach this limitation.

Luddy only teaches that **data transmission** is prevented until the communication path has been established at the desired communication rate. However, **the system immediately begins switching over to the new data transmission rate**, because the process takes approximately 1500 msec to implement the connection, **without a process delay (Emphasis added)**. The switching over to the new data transmission rate is a step of the connection process. The suppression of the confirmation tone is performed because of the delay in switching over to the new data rate, not due to noise. "[T]he present invention blocks the transmission of the confirming tone to the originating note until the new data transmission rate has been completely established throughout the communication system". Col. 4, lines 8-11.

In Luddy, data transmission is prevented as the system selectively suppresses the confirmation tone that a receiving node sends to an origination node. The delay is performed to obviate a confirmation tone misinterpretation and to prevent the resulting erroneous operation.

In stark contrast, the claimed invention delays *the connection procedure* for the predetermined time period. This is to prevent the connection procedure from being adversely affected due to noise that arises based upon the connection/disconnection. Therefore, the reference does not teach the ignoring process as claimed which delays the connection process, but, in fact, teaches acting on the signals immediately, but suppressing a confirming tone, “the communication system receives the answering tone from the terminating node, however, the communication system does not forward the answering tone to the originating node until the switching is complete.” Col. 4, lines 47-51.


The process disclosed in Luddy is quite different from the claimed invention. We believe that this amendment to the independent claims will better clarify the ignoring step that is described by the specification. The specification defines the phrase ignoring the signals as ignoring the signals by masking the signals, which results in delaying the connection process.

The invention described in Luddy will not exhibit the same advantage as the claimed invention. Since Luddy does not delay the connection process, the connection process can still be affected by noise, i.e., incorrect data rate. In contrast, since the claimed invention delays the connection process, noise caused by the connection will not interfere with the determination of a data rate.

Therefore, Applicants submit that all of the claims are patentable over Luddy.

In conclusion, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicants respectfully request that the Examiner call the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Seth Weinfeld", written in a cursive style.

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